

REMARKS

Claims 18-47 are pending in the application.

Claims 18-47 stand rejected.

Claims 18-47 are amended, support for these amendments can be found at least on page 4 line 21 – page 5 line 11 of the specification. No new matter has been added.

Rejection of Claims under 35 U.S.C. §112

Claims 18-47 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully traverse this rejection.

Claims 18, 30, 40, and 45 are rejected because term “erase data” is purportedly unclear. (Office Action p. 2) Applicants respectfully submit that these claims clearly define the term erase data as “erase data is deleted, wherein said erase data is data associated with said each of said plurality of nodes...” Nonetheless, Applicants have amended these claims to replace term “erase data” by term “dropped data.” Accordingly, claims 18, 30, 40, and 45 are in condition for allowance.

Rejection of Claims under 35 U.S.C. §102

Claims 18-24, 28-34 and 38-47 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,949,755 issued to Uphadya (“Uphadya”).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that the cited sections of Uphadya do not teach limitations of claims 18, 30, 40, and 44.

Uphadya fails to teach, for example, the method of claim 18. Claim 18 recites:

executing one or more tasks within each of a plurality of nodes of a network to generate:
 first data identifying at least one node of said plurality of nodes at which,
 insert data is added, wherein said insert data is data associated with said
 each of said plurality of nodes, and
 dropped data is deleted, wherein said dropped data is data associated with
 said each of said plurality of nodes, and
 second data indicating a format of in-transit data being transmitted over said
 network;
identifying a destination node of said in-transit data; and
transmitting said in-transit data to said destination node using said first data and said
 second data.

As regards to claim 18, cited sections of Uphadya do not teach the claimed invention first data, the claimed invention node at which insert data is added, or the claimed invention node at which dropped data is deleted.

The examiner equates claimed invention first data with Uphadya's each node generating a connection table identifying nodes wherein data of VC 100 and 200 is inserted/ added as shown in Fig 6. (Office Action P.3) The Office action cites the following portion of Uphadya:

“...

FIGS. 6 and 9 show a working ring switch table (map) and protection ring switch table (map) at each node, which is generated when the CPU 200 accesses the topological table in the DRAM 320 and the connection identifiers inputted from the command interface 360.

For example, suppose a user wishes to utilize a virtual channel to transmit ATM cells between nodes B and D. Each virtual channel is bidirectional and therefore ATM cells may flow from B to D or D to B. In addition, suppose, for example, that a user wishes to utilize a virtual channel to transmit ATM cells between nodes A and C. Again, each virtual channel is bidirectional and therefore ATM cells may flow from A to C or C to A. Further, assume that the user by the way of the command interface 360 assigns virtual channel number 100 to be the virtual channel, which is utilized to transmit ATM cells between nodes B and D. In addition, assume that the user by way of the command interface 360 assigns virtual channel number 200 to be the virtual channel, which is utilized to transmit ATM cells between nodes A and C.

Based upon this information, which is available in the DRAM 320 in each node, the CPU 200 in each node generates a working ring switch map in each node as shown in FIG. 6, for example. The switch maps may be stored in the ATC 280 and accessed by the NTC 260 in each node, for example.

...” (Uphadya 5:34-57)

As an initial matter, Applicants respectfully submit that even if Uphadya's each node generates a connection table, Uphadya fails to teach the identifying the first data limitation of claim 18.

The cited portion of Uphadya teaches establishing a bidirectional virtual channel of user's choice to transmit ATM cells between the two nodes of user's choice. At best, the cited art teaches (1) *a user selecting* two nodes and (2) *a user selecting* a virtual channel (3) to transmit ATM cells between the two nodes via the selected virtual channel. Thus, Uphadya's virtual channel transmits ATM cells between two nodes, which are selected by a user. Conversely, a node is identified by the claimed first data, and is not selected per user's choice. The claimed first data mandates dynamically identifying a node at which, insert data associated with said each of said plurality of nodes is added, and dropped data is deleted. Since Uphadya's node selection is a matter of user's choice, Uphadya's selection is not analogous to the claimed identification.

Assuming *arguendo* that Uphadya's selection is equivalent to the claimed identification, a point that Applicants do not concede, the cited art provides no criteria for selecting a node. In contrast, the claimed invention identification is based on criteria, in particular, the claimed dynamic identification locates a node of the plurality of nodes *at which insert data is added, or dropped data is deleted*. The Office Action fails to teach, and Applicants are unable to discern Uphadya's criterion for selecting the two nodes, because Uphadya posits an arbitrary selection of the two nodes as opposed to the claimed dynamic identification is a deliberate identification of the two nodes. In further contrast, unlike Uphadya, the claimed dynamic identification requires that the insert data and the dropped data be associated with each of the plurality of nodes. Accordingly, the cited portion of Uphadya fails to teach the claimed identification.

Because the cited portions of Uphadya teach randomly selecting two nodes and a virtual channel to transmit ATM cells between the two nodes via the selected virtual channel, one skilled in the art would not expect Uphadya to teach identifying a node at which insert data being added or dropped data being deleted to generate first data, identifying a format of in-transit data being transmitted over the network and transmitting the in-transit data to the destination node using the first data and the second data features of the claimed invention.

The Office Action cites the following portion of Uphadya:

“...

Once the type of network is selected, the topology of that network must be established. Each node must determine the connection of the nodes in the network (the neighbors of the node). In node A as shown in FIG. 3, for example, the first step (S1) is to power up the node, the second step (S2) is for node A to egress a ring map PDU (payload data unit). This ring map payload data unit includes a **TID (Transport Identifier)**, which is a label for node A. However, other types of node identifiers or labels may be used instead of the TID. As the ring map payload data unit originating at node A passes through the other nodes in the SONET network, each of the other nodes adds its transport identifier as a label to the ring map payload data unit (S3)

...” Uphadya (3: 50-57) (Emphasis Added)

As teaching:

“...second data indicating a format of in-transit data being transmitted over said network...”

The cited portion of Uphadya neither teaches nor suggests identifying format of in-transit data being transmitted over the network. Even if the cited art defines a Transport Identifier (TID), as a label for a node, the cited portion clearly does not teach TID to indicate SONET format of the ring links. Uphadya fails to teach or suggest using a Transfer Identifier to indicate SONET format of the ring links because, by definition, a Transfer Identifier is meant to be used as a label for a node. As such, an identifier for a network ring cannot be identical to an identifier for a network node contained in a network ring. If a network identifier is same as a node identifier, it would be impossible to tell apart a network and a node in the network. It would also be difficult to distinguish between any two nodes in a given network if every single node in a network and the network itself is referred to by the same TID. Thus, at step 4 in Uphadya's FIG. 2, node A will not be able to build a topology table of the neighboring nodes since every single node in the network would share the same TID.

As discussed above, Uphadya fails to teach the claimed first data. Therefore Uphadya is incapable of teaching the transmitting in-transit data to the destination node using said first data and said second data limitation of claim 18.

For at least the foregoing reasons, Applicants respectfully submit that the cited sections of Uphadya fail to teach or suggest claim Claims 18-23, 28-33, 38, 39 and 44-47. Claims 19-23, 28-33, 38, 39 and 44-47 are patentable over the cited art for similar reasons. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the final rejections as to these claims and an indication of the allowability of same.

Rejection of Claims under 35 U.S.C. §103

Claims 25-27, and 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Uphadya, U.S. Patent No. 5,408,618 (Uphadya).in view of Taniguchi, U.S. Patent No. 6,122,250 (Taniguchi) and Black, TCP/IP and Related Protocols, McGraw-Hill, 1998, p ages 1, 2 and 166-169 (Black).

For at least reasons discussed above, the cited portions of Uphadya neither teach nor suggest identifying format and destination node of the in-transit data, or transmitting the in-transit data to the destination node using the first data and the second data features of the claimed invention.

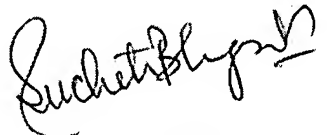
Uphadya also fails to recognize switching and squelching traffic to prevent misconnection, and transmitting data in data buckets features of the claimed invention. With regard to Applicant's claim 18, these shortcomings of Uphadya are not remedied in Taniguchi or in Black. Both Taniguchi and Black combined together do not cure this infirmity of Uphadya. Thus, at least for this reason, independent claim 18 and all claims dependent therefrom are allowable under § 103(a). At least for similar reasons, independent claims 10, 16, 21, and 27, and all claims dependent therefrom are also allowable under § 103(a). Accordingly, Applicant respectfully requests that the rejections under § 103(a) be withdrawn.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,



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